

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LAWRENCE I. FRIEDMANN,

Plaintiff,

- against -

RAYMOUR FURNITURE CO., INC., and LUCY
GOLDSTEIN, individually.

Defendants.

12 CV 1307
(LDW) (AKT)

**DECLARATION OF TARA EYER DAUB, ESQ. IN SUPPORT
OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

TARA EYER DAUB, ESQ. declares, under penalty of perjury, pursuant to 28 U.S.C.

§ 1746, that the following is true and correct:

1. I am a partner with the firm of Nixon Peabody LLP, attorneys for defendant Raymour Furniture Company, Inc., d/b/a Raymour & Flanigan Furniture ("Defendant" or "Raymour & Flanigan") in the above-referenced matter. As such, I am fully familiar with the facts and circumstances of this case.
2. I submit this declaration in support of Defendant's motion, pursuant to Federal Rules of Civil Procedure 56, for an Order dismissing plaintiff Lawrence I. Friedmann's ("Plaintiff") Complaint in its entirety on the ground that there are no genuine issues of material fact to be tried. Also submitted in support of this motion is Defendant's Memorandum of Law and 56.1 Statement.
3. Attached to this declaration at Exhibit "A" is a true, complete, and accurate copy of Plaintiff's Complaint.

4. Attached to this declaration at Exhibit "B" is a true, complete, and accurate copy of the Charge of Discrimination Plaintiff filed with the Equal Employment Opportunity Commission on October 21, 2011.

5. Attached to this declaration at Exhibit "C" is a true, complete and accurate copy of this Court's October 16, 2012 Memorandum and Order regarding Raymour & Flanigan's motion to dismiss.

6. Attached to this declaration at Exhibit "D" are true and accurate excerpts from Plaintiff's January 14, 2013 deposition.

7. Attached to this declaration at Exhibit "E" are true and accurate excerpts from Patricia Delgenio's February 13, 2013 deposition.

8. Attached to this declaration at Exhibit "F" are true and accurate excerpts from Lucy Goldstein's February 22, 2013 deposition.

9. Attached to this declaration at Exhibit "G" are true and accurate excerpts from Raymour & Flanigan's May 25, 2011 Associate Handbook.

10. Attached to this declaration at Exhibit "H" is a true, complete and accurate copy of Plaintiff's October 20, 2005 employment application with Raymour & Flanigan.

11. Attached to this declaration at Exhibit "I" is a true, complete and accurate copy of Plaintiff's October 7, 2009 Receipt and Acknowledgement of Raymour & Flanigan's Associate Handbook.

12. Attached to this declaration at Exhibit "J" is a true, complete and accurate copy of the May 7, 2011 "Coaching for Success" plan that Ms. Goldstein provided to Plaintiff.

13. Attached to this declaration at Exhibit "K" is a true, complete and accurate copy of the May 23, 2011 "Coaching for Success" plan that Ms. Goldstein provided to Plaintiff.

14. Attached to this declaration at Exhibit "L" is a true, complete and accurate copy of a June 2011 performance evaluation that Ms. Goldstein provided to Plaintiff.


15. Attached to this declaration at Exhibit "M" is a true, complete and accurate copy of the June 13, 2011 "Action Plan & Performance Agreement" that Ms. Goldstein provided to Plaintiff.

16. Attached to this declaration at Exhibit "N" is a true, complete and accurate copy of Raymour & Flanigan's Payroll Connection Form regarding Plaintiff's termination.

17. Attached to this declaration at Exhibit "O" is a true, complete and accurate copy of Laura D'Ambrosio's June 21, 2011 e-mail regarding Plaintiff.

18. For the reasons set forth in the accompanying Memorandum of Law, defendant Raymour Furniture Company, Inc., d/b/a Raymour & Flanigan Furniture respectfully submits that the Complaint be dismissed in its entirety, that Defendant be awarded its reasonable attorneys' fees and costs, and the Court should grant such further and other relief as this Court deems just and proper.

Dated: May 3, 2013
Jericho, New York



Tara Eyer Daub (TE-7943)